

ADMINISTRATIVE PANEL DECISION

Footasylum Limited v. Carlo Panaccione

Case No. D2025-4848

1. The Parties

The Complainant is Footasylum Limited, United Kingdom, represented by Konexo, Eversheds Sutherland (International) LLP, United Kingdom.

The Respondent is Carlo Panaccione, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <sevenstoreoriginal.com> (the "Disputed Domain Name") is registered with GMO Internet Group, Inc. d/b/a Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 1, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 7, 2026.

The Center appointed Mariia Koval as the sole panelist in this matter on January 9, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Launched in 2019 by the Complainant, SEVENSTORE is a Liverpool-based creative retail platform, designed as a retail offering which blended high-end fashion, technology and cultural experiences. In 2025 the Complainant's website at "www.sevenstore.com" has averaged 999,809 visitors per month. In 2025, up to November 18, 2025, the revenue generated through the Complainant's website was just below GBP 10 million. The Complainant's SEVENSTORE brand has over 1.6 million email subscribers and over 161,000 followers across its social media platforms.

The Complainant is the owner of the following SEVENSTORE trademark registrations (the "SEVENSTORE Trademark"):

- United Kingdom Trademark Registration No. UK00004092810, registered on November 22, 2024, in class 35;
- International Trademark Registration No. 1837279, registered on November 26, 2024, in class 35.

The Complainant has built up a considerable online presence and is operating the domain name <sevenstore.com>, where the SEVENSTORE Trademark is prominently used and promoted.

The Disputed Domain Name was registered on August 29, 2025. As at the dates of filing the Complaint and issuing this Decision, the Disputed Domain Name resolves to the active website hosting an online store that prominently features the Complainant's SEVENSTORE Trademark and closely replicates the design and layout of the Complainant's website, using the Complainant's product images and descriptions, and purporting to offer the similar products for sale as those sold on the Complainant's website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's SEVENSTORE Trademark since the Disputed Domain Name reproduces the Complainant's SEVENSTORE Trademark in its entirety with the addition of the term "original" that is not sufficient to distinguish the Disputed Domain Name from the Complainant's SEVENSTORE Trademark.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Respondent is not connected to or authorized by the Complainant in any way to register and use the Disputed Domain Name;
- the Respondent is not commonly known by the Disputed Domain Name;
- the Disputed Domain Name is not being used in connection with a bona fide offering of goods; and
- the Disputed Domain Name is not being used for legitimate noncommercial or fair purposes: it resolves to an infringing website which has been copied from the Complainant's website, intentionally deceiving members of the public.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following. At the time when the Disputed Domain Name was registered, the Complainant had substantial rights in SEVENSTORE Trademark and used its Trademark for over 6 years. It is clear that the Disputed Domain Name was registered to intentionally attract, for commercial gain, Internet users to the website, by creating a likelihood of confusion with the Complainant's SEVENSTORE Trademark as to the source of the infringing website. Moreover, it is also clear that the Respondent registered the Disputed Domain Name in bad faith to disrupt the Complainant and prevent the Complainant from registering its SEVENSTORE Trademark in the Disputed Domain Name.

Moreover, the Disputed Domain Name is being used in bad faith, for fraudulent purposes, resolving to a live website which has been copied from the Complainant's website and offering products for sale. Plainly, the Respondent deliberately chose the Disputed Domain Name and copied the Complainant's website to deceive Internet users, and to hold himself out as being operated by the Complainant for unfair financial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's Trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name completely reproduces the Complainant's SEVENSTORE Trademark in combination with the additional term "original" and the generic Top-Level Domain (gTLD) ".com". According to the [WIPO Overview 3.0](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The addition of the term "original" to the SEVENSTORE Trademark does not prevent a finding of confusing similarity in this case.

According to the [WIPO Overview 3.0](#), section 1.11.1, the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's SEVENSTORE Trademark pursuant to paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

The Panel concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s SEVENSTORE Trademark. Moreover, there is no element from which the Panel could infer the Respondent’s right over the Disputed Domain Name under the Policy, or that the Respondent might be commonly known by the Disputed Domain Name.

Also, in accordance with the [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name – reproducing the entirety of the SEVENSTORE Trademark, along with the descriptive term “original” – carries a risk of implied affiliation with the Complainant. The fact that the Respondent has incorporated the Complainant’s SEVENSTORE Trademark in its entirety in the Disputed Domain Name and has used the Disputed Domain Name for a website replicating the design and layout of the Complainant’s website is further evidence, that the Respondent was well aware of the Complainant’s SEVENSTORE Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant.

The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the SEVENSTORE Trademark of the Complainant. The Disputed Domain Name resolves to the website that replicates the Complainant’s official website using the SEVENSTORE Trademark and operates an online store purporting to offer the similar products as those sold on the Complainant’s website. Therefore, the Panel cannot consider such use of the Disputed Domain Name as a legitimate noncommercial or fair use.

According to the [WIPO Overview 3.0](#), section 2.8.1, UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant’s trademark to undertake sales or repairs related to the complainant’s goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (“Oki Data test”), the following cumulative requirements will be applied to the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

As is seen from the circumstances of this case, the website under the Disputed Domain Name does not disclose any relationship between the Complainant and the Respondent and the whole design of the Respondent's website creates a false impression that this website is one of the Complainant's official websites or related to the Complainant. Thus, the Respondent does not satisfy the conditions of the Oki Data test. Therefore, the Panel cannot consider such use of the Disputed Domain Name as a bona fide offering of goods or services.

The Respondent did not file any response to the Complaint and did not participate in this proceeding, as such, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Complainant had obtained the registration of the SEVENSTORE Trademark earlier than the Respondent registered the Disputed Domain Name. Taking into account all circumstances of this case, the Panel finds that the Respondent was aware of the Complainant's business and its SEVENSTORE Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant's SEVENSTORE Trademark. The addition of the descriptive term "original" that is frequently related to the Complainant's business, is further evidence, that the Respondent was aware of the Complainant's SEVENSTORE Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's SEVENSTORE Trademark. The Panel considers it is bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's SEVENSTORE Trademark.

Moreover, the Respondent's knowledge of the Complainant's SEVENSTORE Trademark is also supported by the use of the Disputed Domain Name for a website purportedly offering the similar products as those sold on the Complainant's website. The website under the Disputed Domain Name contains the Complainant's SEVENSTORE Trademark and uses a black and red color palette in an advertisement that closely resembles one found on the Complainant's website. In view of the fact that the Disputed Domain Name resolves to the website displaying the Complainant's SEVENSTORE Trademark and replicating the design and layout of the Complainant's website, Internet users would most likely be misled into believing that the Disputed Domain Name is related to or authorized by the Complainant. Therefore, the Panel finds that the Respondent intentionally attempts to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's SEVENSTORE Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

In view of the foregoing, the Panel finds that paragraph 4(a)(iii) of the Policy has been satisfied by the Complainant and accordingly, the Disputed Domain Name was registered and is being used in bad faith.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <sevenstoreoriginal.com> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: January 23, 2026